

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	Criminal No.:
v.)	
)	Violation: 15 U.S.C. § 1
KAVOD PHARMACEUTICALS LLC (F/K/A)	(conspiracy in restraint of trade) (1 count)
RISING PHARMACEUTICALS, LLC, F/K/A)	
RISING PHARMACEUTICALS, INC.),)	Filed:
)	
Defendant.)	

INFORMATION

(15 U.S.C. § 1)

The United States of America, acting through its attorneys, charges that:

DEFENDANT AND CO-CONSPIRATORS

1. KAVOD PHARMACEUTICALS LLC (F/K/A RISING PHARMACEUTICALS, LLC, F/K/A RISING PHARMACEUTICALS, INC.) is hereby made a defendant on the charges contained in this Information.
2. During the period covered by this Information, the defendant was a corporation organized and existing under the laws of Delaware and with its principal place of business in Saddle Brook, New Jersey.
3. During the period covered by this Information, the defendant was a pharmaceutical company engaged in the acquisition, licensing, production, marketing, sale, and distribution of generic pharmaceutical drugs, including Benazepril HCTZ, and was engaged in the sale of those drugs in the United States.

4. Benazepril HCTZ is a generic drug used in the treatment of hypertension.

5. During the period covered by this Information, COMPANY A was a pharmaceutical company with its principal place of business in New Jersey. During the relevant time period, COMPANY A was engaged in the acquisition, licensing, production, marketing, sale, and distribution of generic pharmaceutical drugs, including Benazepril HCTZ, and was engaged in the sale of those drugs in the United States.

6. COMPANY A and various individuals, not made defendants in this Information, participated as co-conspirators in the offenses charged herein and performed acts and made statements in furtherance thereof.

7. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

DESCRIPTION OF THE OFFENSE

8. From at least as early as April 2014 and continuing until at least September 2015, the exact dates being unknown to the United States, in the Eastern District of Pennsylvania and elsewhere, the defendant and its co-conspirators knowingly entered into and engaged in a conspiracy to suppress and eliminate competition by agreeing to allocate customers for and to stabilize, maintain, and fix prices of Benazepril HCTZ sold in the United States. The conspiracy engaged in by the defendant and its co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

MEANS AND METHODS OF THE CONSPIRACY

9. For the purpose of forming and carrying out the charged conspiracy, the defendant and its co-conspirators did those things that they conspired to do, including, among other things:

- (a) discussed the allocation of and agreed to allocate customers located in the United States;
- (b) provided or received specific non-public prices paid by the allocated customers to the existing supplier;
- (c) submitted offers to and declined requests to submit offers from customers in accordance with the agreement reached;
- (d) sold and accepted payment for Benazepril HCTZ in the United States at collusive and noncompetitive prices.

TRADE AND COMMERCE

10. During the period covered by this Information, the defendant and its co-conspirators sold substantial quantities of Benazepril HCTZ to customers affected by the offense charged herein located in various states in the United States. In addition, payments from affected customers for Benazepril HCTZ sold by the defendant and its co-conspirators traveled in interstate trade and commerce.

11. During the period covered by this Information, the activities of the defendant and its co-conspirators with respect to the sale of Benazepril HCTZ were within the flow of, and substantially affected, interstate trade and commerce.

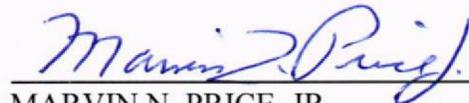
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated: 12/3/19

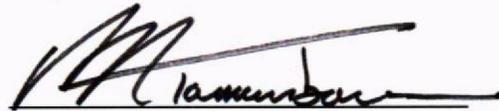

MAKAN DELRAHIM
Assistant Attorney General

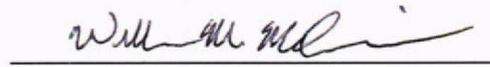

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